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SUPPLEMENT TO

ELECTION LAWS OF MONTANA



Compiled by
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Helena, Montana
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23-608. (594) Clerks to Mail to Judges Notices of Election Form of Notices. The clerks of the several boards of county commissioners must, at least twenty (20) days before any general election, make and forward by mail to such judge or judges as are designated by the county commissioners, three written notices for each precinct, said notices to be substantially as follows:

"Notice is hereby given that on the first Tuesday after the first Monday of November, 19....., at the house....., in the county of....., an election will be held for(naming the offices to be filled, including electors of president and vice-president, a representative in congress, state, county and township officers), and for the determination of the following questions (naming them), the polls of which election will be open at 8:00 A. M. and continuing open until 8:00 P. M. of the same day.

Dated this.....day of....., A.D. 19.....
 Signed A. B., Clerk of the board of county commissioners."

As amended by Chapter 14, Laws of 1957.

75-3403. School Board May Operate Busses or Contract for Transportation of Pupils—School Board May Set Up Depreciation Reserve for Purchase of Replacement Busses and Two-Way Radios for School Bus or Busses. The board of trustees shall have the power to purchase, or rent and provide for the upkeep, care, operation, maintenance, insurance, for two-way radios and for school busses; or to contract and pay for the transporation of eligible pupils, such contracts to run for terms not to exceed five (5) years; and provided further, that each district owning a school bus or busses may levy a sufficient number of mills to create a reserve of not to exceed twelve and one-half percent ($12\frac{1}{2}\%$) per year of the original cost of the bus or busses for which the reserve is created; said fund to be kept separate and apart from all other funds, and to be used only for the purchase of the bus or busses needed to replace the bus or busses and two-way radios for which said reserve was created, unless authorized by a majority of the votes cast by the qualified electors of the district at an election called for that purpose. Provided, however, that school district trustees may authorize as standard equipment, the installation of two-way radios in a school bus or busses operating in school districts where weather and road conditions may constitute a hazard to the safety of the school pupil passengers. The two-way radios may be operated on the same frequency as that used by the Montana Highway Patrol and the sheriff of the county, with their permission and the permission of the Federal Communications Commission wherein said school bus or busses operate, or any frequency assigned for such operation by the Commission.

As amended by Chapter 202, Laws of 1957.

75-4601. High School Trustees May Undertake Public Works Program—Additional Trustees—Division of Taxable Valuation—Commencement of Proceedings. In any county having a high school the board of trustees of the county high school, if there be one, and the boards of trustees of any school districts maintaining district high schools, are hereby designated as the boards of trustees of the respective high school districts established under this act, provided that additional members may be elected to the board of trustees of districts maintaining district high schools in the number and manner as follows: When a majority of

the boards of the common school districts in the high school district so request. Such requests shall be directed to the county superintendent of schools, who shall proceed as directed in this act.

The taxable valuation of the district in which the high school is located shall be divided by the number of trustees on the high school board. In the case of a first class district this number shall be seven (7) for a second class district five (5), and for a third class district three (3). This figure obtained shall then be divided into the remaining valuation of the high school district, and the resulting number, to the closest whole number, shall be the number of additional board members to be elected; provided, that the number of these additional board members shall not exceed four (4) in districts of the first and second class or two (2) in districts of the third class.

(a) The additional members elected to the board of trustees of districts maintaining high schools shall be elected at a meeting of the trustees of all of the boards of trustees of the common school districts included within the boundaries of the high school district, which meeting shall be held on the fourth Saturday in April beginning with the year 1951. The members so elected shall hold office for a term of three (3) years and such meetings and elections shall be held every third year after the first meeting. The state superintendent of public instruction shall make all necessary rules and regulations for the conduct of said meeting and it shall be the duty of the county superintendent of schools to give written notice of the meeting by registered mail to each trustee not less than seven (7) days before such meeting. The additional trustees elected shall be elected from the trustees of the common school districts included within the high school district with the exception of the membership of the board of trustees of the school districts maintaining high schools.

(b) The additional members elected to the board of trustees of districts maintaining high schools, shall take office immediately after qualifying and shall participate on an equal basis with other members in all business transacted by the board of trustees pertaining to the high school maintained by said districts.

To effectuate the purpose of this act, the board of trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement or repair of buildings, furnishing and equipping the same and purchasing the necessary land therefor, for the use of any or all high schools in such high school district, and to accept funds from the United States, its instrumentalities or any of its agencies in aid of any one or more of such purposes. Such proceedings may be commenced by resolution upon the part of such board of trustees of such high school district of its own motion and without any petition being filed therefor, such proceedings may also be commenced on petition of thirty percent (30%) of the qualified electors of the high school district. Upon presentation of this petition to the high school district board of trustees, the latter shall, within sixty (60) days take steps to present the matter asked for in the petition to a vote of the people of the high school district.

As amended by Chapter 67, Laws of 1957.

93-302. (8813) Number of Judges. In each judicial district there must be the following number of judges of the district court, who must be elected by the qualified voters of the districts, and whose term of office must be four (4) years, to wit: In the first, second, fourth, eighth, **eleventh** and sixteenth, two judges each, in the thirteenth, three judges, and, in all other districts, one judge each.

Appointment and election of Judge. That on or before July 1, 1957, the governor of this state shall designate and appoint a judge of the said **eleventh** judicial district who shall hold office until the general election to be held during the year 1958, and until his successor is elected and qualified. The judge elected at the general election during the year 1958 shall hold office until his successor has been elected and qualified at the presidential general election to be held during the year 1960."

As amended by Chapter 91, Laws of 1957.

CHAPTER NO. 120
MONTANA SESSION LAWS 1957
SENATE BILL NO. 182

AN ACT TO AMEND CHAPTER 211 OF THE SESSION LAWS OF THE THIRTY-FOURTH LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA, 1955, ENABLING INCORPORATED CITIES AND TOWNS TO ACQUIRE, OPERATE AND LEASE MOTOR BUSES AND BUS LINES FOR THE TRANSPORTATION OF PASSENGERS; PROVIDING FOR BORROWING MONEY OR ISSUING BONDS FOR THE PURCHASE OF THE SAME AND PROVIDING FOR A VOTE OF TAXPAYERS THEREON AND ENABLING CITIES AND TOWNS TO ALSO CONTRACT WITH INDEPENDENT CARRIERS FOR SUCH TRANSPORTATION SERVICE, AND BY ADDING THERETO PROVISIONS ENABLING INCORPORATED CITIES AND TOWNS TO ALSO ENTER INTO A LEASE OR A LEASE AND OPERATING AGREEMENT WITH INDEPENDENT CARRIERS FOR SUCH TRANSPORTATION SERVICE; AND AUTHORIZING THE COUNCIL OF SUCH CITIES AND TOWNS TO LEVY A TAX ON ALL TAXABLE PROPERTY WITHIN THE LIMITS OF SUCH CITY OR TOWN TO DEFRAY THE COST THEREOF AND PROVIDING FOR THE SUBMISSION OF THE QUESTION OF SUCH LEVY TO THE LEGAL VOTERS OF SUCH CITY OR TOWN WHO ARE TAXPAYING FREEHOLDERS THEREIN WHENEVER IT SHALL BE NECESSARY TO RAISE MONEY BY TAXATION FOR ANY SUCH PURPOSE IN EXCESS OF THE LEVY NOW ALLOWED BY LAW; PROVIDING A SAVING CLAUSE; AND REPEALING ALL ACTS AND PARTS OF ACTS IN CONFLICT THEREWITH.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. That Chapter 211 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

"Section 1. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana Railroad and Public Service Commission or if such service is to be **or is likely to be** discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to contract an indebtedness of any such city or town upon the credit thereof by borrowing money or issuing bonds for the purchase, development, operation or leasing of motor buses and bus lines for the transportation of passengers within the corporate limits of such cities and towns, and to operate the same to any point or points beyond said limits not to exceed eight (8) miles, measured along the route of said

bus line; provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness must not at any time exceed five per centum (5%) of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes, and provided further, that no money must be borrowed or bonds issued for the purposes herein specified until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof.

"Section 2. The said city or town council or commission shall have authority to provide for the management and operation of said system; and to do all the things necessary for the successful operation of said transportation system. Such operations shall be subject to all the provisions of the motor carrier act (Sections 8-101 to 8-129, Revised Codes of Montana, 1947) except that such municipality may be issued a certificate of public convenience and necessity without proof of the existence of public convenience and necessity, and except that the municipality shall be exempt from the payment of fees provided by Sections 8-116 and 8-127, Revised Codes of Montana, 1947.

"Section 3. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana railroad and public service commission or if such service is to be, **or is likely to be**, discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to enter into a contract or contracts, **or to enter into a lease or a lease and operating agreement**, with an independent carrier or independent carriers for the transportation of passengers by bus within the corporate limits of such city or town and to and from any point or points beyond said limits not to exceed eight (8) miles measured along the route of said bus line or lines; and for the purpose of raising the necessary moneys to defray the cost of such transportation service pursuant to such contract or contracts, **lease or lease and operating agreement**, with such independent carrier or carriers the city or town council shall have power to annually levy a tax on the taxable value of all taxable property within the limits of such city or town; provided, however, that whenever the council of such city or town shall deem it necessary to raise money by taxation for such purpose in excess of the levy now allowed by law the council of such city or town shall in the manner prescribed by law, submit the question of such additional levy to the legal voters of such city or town who are taxpaying freeholders therein, either at the regular annual election held in said city or town, or at a special election called for that purpose by the council of such city or town; provided, however, that such additional levy in excess of the levy now allowed by law shall not exceed **one and one-half (1½) mills**.

"Section 4. The said city or town council shall have power and authority to call for bids from independent carriers for such transportation service, and to do all things necessary or proper for establishment and maintenance of such transportation service by contract, **lease or lease and operating agreement**."

Section 2. CONSTITUTIONALITY. If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: March 5, 1957.

CHAPTER 139
MONTANA SESSION LAWS 1957
HOUSE BILL 13

AN ACT PROVIDING THAT ANY JUSTICE OF THE SUPREME COURT OF THE STATE OF MONTANA WHO BECOMES A CANDIDATE FOR ANY ELECTIVE OFFICE EXCEPT AS A BONA FIDE CANDIDATE FOR RE-ELECTION TO THE OFFICE THEN OCCUPIED BY SUCH JUSTICE SHALL AT OR BEFORE FILING FOR SAID ELECTIVE OFFICE AS REQUIRED BY LAW RESIGN THE OFFICE THEN HELD; PROVIDING THAT THE OFFICE OF ANY SAID JUSTICE OF THE SAID SUPREME COURT FAILING TO SO RESIGN SHALL BECOME VACANT; GIVING DIRECTIONS WITH REFERENCE TO THE FILLING OF SUCH VACANCY AND FOR THE REPEAL OF ANY AND ALL ACTS, STATUTES OR CODE PROVISIONS IN CONFLICT THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE. BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Whenever any person holding or occupying the office of Chief Justice or Associate Justice on the Supreme Court of the State of Montana shall become a candidate for election to any elective office under the laws of/or in the State of Montana, such person shall forthwith, and in any event at or before the time required for such person to file as a candidate for such office at any primary or special or general election, resign said office of Chief Justice or Associate Justice of said Supreme Court except where such person is a bona fide candidate for re-election to the identical office then held or occupied by him or for another nonpartisan judicial office the term of which shall commence not earlier than the end of the term of the office then held or occupied by such justice and said resignation shall become effective forthwith on delivery of the same to the proper officer or superior, and in the event of failure so to resign said office of Chief Justice or Associate Justice of said Supreme Court or of District Judge of any of said District Courts the same shall, ipso facto, become wholly vacant and unoccupied and the said former holder or occupant shall have no further right, power, or authority therein for any purpose, and no right to any emoluments thereof, notwithstanding the fact that a successor is not appointed or elected; and said vacancy shall become operative to deprive any person of the emoluments of said office then held in order to carry out the policy of this act.

Section 2. In all cases the proper appointing or other power shall promptly fill all vacancies occurring because of the provisions of this act by appointment of competent and qualified persons according to law.

Section 3. All acts and parts of acts, statutes and/or code provisions inconsistent herewith are, and each thereof is, hereby expressly repealed.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved: March 7, 1957.

CHAPTER NO. 210
MONTANA SESSION LAWS 1957
HOUSE BILL NO. 386

AN ACT TO PROVIDE FOR INSTRUCTION OF ELECTION JUDGES; PROVIDING FOR THE APPOINTMENT BY THE BOARD OF COUNTY COMMISSIONERS OF AN INSTRUCTOR; PROVIDING FOR COMPENSATION FOR THE ELECTION JUDGES BEING INSTRUCTED; PROVIDING FOR CERTIFICATES OF INSTRUCTION; PROVIDING FOR NOTICE TO THE COUNTY CHAIRMAN OF THE TWO MAJOR POLITICAL PARTIES OF THE COUNTY OF THE PLACE AND TIME OF INSTRUCTION; AND CONTAINING A REPEALING CLAUSE.
BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF MONTANA:

Section 1. Instructions of Judges of Elections. Before each election, general or primary, all judges appointed to act at said election, who do not possess a certificate of instruction as provided for in this act, shall be instructed by a person delegated by the board of county commissioners in regard to the powers, duties, and liabilities imposed upon election judges by the election laws of the State of Montana. For the purpose of giving such instruction, the delegate of the board of county commissioners shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall attend such meeting or meetings and receive at least two (2) hours of instruction and as compensation for the time spent in receiving such instruction, each judge that shall serve in the election shall receive the sum of one dollar (\$1.00) per hour of instruction, to be paid to him at the same time and in the same manner as compensation is paid to him for his or her services on election day.

Upon the completion of the two (2) hours of instruction, the judge shall receive a certificate from the person delegated by the board of county commissioners from whom he or she received instruction, that the instruction has been completed, provided that no certificate of instruction shall be valid for a period of greater than two (2) years. No person shall serve as a judge of election unless this certificate has been received, provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy in an emergency. Notice of place and time of instruction of the political judges must be given by the board of county commissioners to the county chairmen of the two major political parties in the county.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved: March 9, 1957.